Remarks

Claims 1-22 are pending. Claims 1-10 are shown as "withdrawn" status due to previous restriction requirement and election. Claims 11 and 17 are previously amended. No amendments are presented via this paper.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the following remarks is respectfully requested.

By way of sections 3-5 of the Office Action mailed April 20, 2006, the claims 11-22 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 5,804,021 to Abuto et al. (hereinafter "Abuto et al.") or alternatively under 35 U.S.C. § 103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Abuto et al. This rejection is hereby **traversed** to the extent it may apply to the currently presented claims. Additionally, in sections 6 and 7 of the Office Action mailed April 20, 2006, it was stated that the Applicants' prior submissions did not clearly point out how the "consisting essentially of" element in their independent claims (described in more detail below) provides further limitation to the claims.

The invention as claimed in claim 11 is drawn to a cross machine direction extensible nonwoven web consisting essentially of continuous thermoplastic fibers and a plurality of thermal bond points in a pattern. The continuous thermoplastic fibers have an average diameter greater than about 10 microns, the nonwoven web has a substantially uniform basis weight, and the force required to extend the bonded nonwoven web 30 percent in the cross machine direction is less than about 60 percent of the cross machine direction peak tensile force of the bonded nonwoven web.

The invention as claimed in claim 17 is drawn to a cross machine direction extensible nonwoven web consisting essentially of continuous thermoplastic fibers and a plurality of thermal bond points in a pattern. The continuous thermoplastic fibers have an average diameter greater than about 10 microns, the nonwoven web has a substantially uniform basis weight, and the force required to extend the bonded nonwoven web 30 percent in the cross

machine direction is less than about 30 percent of the force required to extend the web to 30 percent in the machine direction.

As noted in the Application Specification at page 2, lines 31-34, there is a need for cross machine direction extensible nonwoven web materials which exhibit the cross machine direction extensibility without the requirement of having had one or more post-processing steps applied to the nonwoven web material. Such post processing steps act to create physical structure in the web material that is capable of enabling the provision of extensibility.

As stated in the Office Action, the Abuto et al. reference discloses a fibrous nonwoven laminate material exhibiting elasticity in at least one direction. Also as noted in the Office Action (and as calculated by the Examiner), the spunbond fibers disclosed by Abuto et al. for the facing layer, based on the disclosed denier, can indeed be greater than 10 microns in diameter.

However, relevant to the instant invention, the nonwoven web facing layer taught by Abuto et al., cited in the Office Action, is an example of a post-processed web wherein the extensibility is increased in particular due to the structure present in the web material as created via a post-processing operation. More particularly, Abuto et al. provide for the extensibility to be increased via the creation of a plurality of slits through the nonwoven material. In contrast, independent claims 11 and 17 as claimed (and therefore, all claims) require that the nonwoven web consist essentially of continuous fibers.

As taught in Abuto et al., the additional web structural elements such as the slits which provide extensibility are provided as a plurality of slits that are in generally parallel rows. The generally parallel rows of slits extend from edge to edge of the material. As such, Applicants submit that the fibrous nonwoven layer disclosed in Abuto et al. would not consist essentially of continuous fibers. Rather, Applicants submit that the provision of the plurality of slits would produce a fibrous nonwoven web having at least a substantial number of discontinuous fibers at the slits, and therefore, the slit apertured webs of Abuto et al. do not disclose a web "consisting essentially of" continuous fibers, and this is a material difference in the actual structure of the instant material vs. the materials taught by Abuto et al.

Contrariwise, and to the Examiner's question of how the claims have been further limited, the inventive material consisting essentially of continuous fibers does not include within the scope such a material having a plurality of slits, because this would mean a fibrous nonwoven web having many discontinuous fibers at the positions of the slits across the nonwoven web material.

Therefore, because the Abuto et al. does not teach (or, alternatively, suggest) all of the parameters or elements of Applicants' claims, Applicants respectfully submit that the rejection of claims 11-22 under 35 U.S.C. §102(b) (alternatively under 35 U.S.C. § 103(a)) should be withdrawn and favorable action on the pending claims is respectfully requested.

The Examiner is encouraged to call the undersigned at his convenience to resolve any remaining issues.

The undersigned may be reached at: 770-587-8908.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I, Robert A. Ambrose, hereby certify that on September 20, 2006, this document is being transmitted to the United States Patent and Trademark Office via the EFS-Web System.

By: /Robert A. Ambrose/
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